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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402				
			EXAMINER MEINECKE DIAZ, SUSANNA M	
			ART UNIT 3623	PAPER NUMBER

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/749,736

Applicant(s)

HANIF ET AL.

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-25 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-25 and 27-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/3/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This final Office action is responsive to Applicant's amendment filed July 3, 2006.
Claims 1, 10, 16, and 30 have been amended.
Claims 1-7, 9-25, and 27-34 are presented for examination.
2. The previously pending claim objection is withdrawn in response to Applicant's claim amendments.

Response to Arguments

3. Applicant's arguments filed July 3, 2006 have been fully considered but they are not persuasive.

Applicant argues the following:

...In contrast to the limitations of claim 16, the above quote from Vaidyanathan does not describe marking the feedback pertaining to the transaction as withdrawn and generating a user interface that presents the feedback pertaining to the transaction and an indication that the feedback pertaining to the transaction is withdrawn; but rather, removing the feedback and correcting the feedback. Marking the feedback as withdrawn is not the same as removing the feedback... (Page 11 of Applicant's response)

The Examiner respectfully disagrees. Applicant admits that Vaidyanathan teaches "removing the feedback and correcting the feedback." However, the Examiner takes issue with Applicant's assertion that removing feedback is not the same as withdrawing feedback. Merriam-Webster's Collegiate® Thesaurus (© 1988) provides the word "remove" as the first listed synonym for the word "withdraw." Other listed

synonyms are "take away, take off, take out." Therefore, the Examiner submits that removing feedback is synonymous with withdrawing feedback, thereby addressing the claimed withdrawal of feedback.

Applicant traverses the use of Official Notice to reject claim 28 (page 12 of Applicant's response); however, it is not clear which of Examiner's statements are being challenged as untrue by Applicant. The Examiner made a logical line of reasoning based on teachings already present in Vaidyanathan to explain why such a modification (as the one addressed in the art rejection of claim 28) would have been obvious in light of Vaidyanathan in view of knowledge generally available to one of ordinary skill in the art at the time of Applicant's invention. Applicant has not presented specific details explaining why Examiner's logical line of reasoning is believed to be in error; therefore, Applicant's argument is not persuasive.

In conclusion, Applicant's arguments are non-persuasive and the art rejection has been revised to address Applicant's claim amendments.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 9-25, and 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaidyanathan et al. (US 2004/0128155).

Vaidyanathan discloses an apparatus comprising:

[Claim 1] a feedback cancellation request receiver to receive a request to cancel feedback pertaining to a transaction in a network-based transaction facility from a first party to the transaction (Fig. 9; ¶¶ 20-21, 74, 101);

a feedback cancellation criteria evaluator to automatically determine whether one or more feedback cancellation criteria are satisfied (¶¶ 20-21, 98, 101, 109, 111);

a feedback cancellation recorder to cancel the feedback pertaining to the transaction if the one or more feedback cancellation criteria are satisfied, the feedback cancellation recorder further to mark the feedback pertaining to the transaction as withdrawn (Fig. 44; ¶¶ 101, 109, 111); and

a feedback user interface generator to generate a user interface that presents the feedback pertaining to the transaction (Figs. 44 and 52 show an example of negative feedback -- "No email or nothing... Shame on you..."; ¶ 40);

[Claim 2] a feedback cancellation request processor to determine that a second party to the transaction agrees to cancel the feedback pertaining to the transaction (¶ 109);

[Claim 3] wherein the feedback pertaining to the transaction includes at least one of a feedback comment left by the first party for a second party to the transaction and a feedback comment left by the second party for the first party (¶ 109);

[Claim 4] wherein the feedback cancellation request receiver is further to identify a second party to the transaction based on input provided by the first party, to present to the first party information identifying the second party and the feedback pertaining to the

transaction, and to receive a confirmation of the request to cancel feedback from the first party (Fig. 17; ¶¶ 113-115);

[Claim 5] wherein the input provided by the first party includes an identifier of an item associated with the transaction (Figs. 20, 25, 26);

[Claim 6] a feedback cancellation request processor to notify a second party to the transaction about the request to cancel feedback (Figs. 53-55; ¶¶ 101);

[Claim 7] wherein the feedback cancellation request processor is to determine that the second party agreed to cancel the feedback by presenting to the second party information identifying the transaction for which the first party submitted the request to cancel feedback, and receiving a confirmation of feedback cancellation from the second party (Figs. 53-55; ¶¶ 109, 111);

[Claim 9] wherein the one or more feedback cancellation criteria includes at least one requirement selected from the group consisting of a requirement that at least one feedback comment pertaining to the transaction exist, a requirement that the request to cancel feedback be received before an expiration date, a requirement that a second party to the transaction agree to cancel feedback before an expiration date of the request to cancel feedback, a requirement that each of the first and second parties be currently registered with the network-based transaction facility, and a requirement that each of the first and second parties do not exceed a feedback cancellation limit (Fig. 44; ¶¶ 101, 109, 111).

Regarding claim 1, Vaidyanathan keeps both parties informed about the progress of the feedback removal process (¶¶ 109-112). Vaidyanathan also sends a written warning to a party informing him/her that negative feedback may be removed if he/she does not respond (Figs. 53-55). Vaidyanathan does not expressly teach that the feedback user interface generator generates a user interface that presents an indication that the feedback pertaining to the transaction is withdrawn; however, Official Notice is taken that it is old and well-known in the art of dispute resolution to present the results of a dispute resolution process to involved parties via a user interface. This helps to more efficiently inform all involved parties of a dispute resolution outcome in a timely manner. Since Vaidyanathan keeps both parties informed about the progress of the feedback removal process (¶¶ 109-112), the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Vaidyanathan's feedback user interface generator to generate a user interface that presents an indication that the feedback pertaining to the transaction is withdrawn in order to more efficiently inform all involved parties of a dispute resolution outcome in a timely manner.

[Claims 10-15] Claims 10-15 recite limitations already addressed by the rejection of claims 1-4, 6, and 9 above; therefore, the same rejection applies.

Furthermore, Vaidyanathan discloses a memory and processor (¶¶ 20-21).

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[Claims 16-25, 27, 29] Claims 16-25, 27, and 29 recite limitations already addressed by the rejection of claims 1-7 and 9 above; therefore, the same rejection applies.

Furthermore, as per claim 21, Vaidyanathan discloses identifying the second party comprising:

determining that the item is associated with a plurality of transactions (Figs. 12-23);

presenting to the first party one or more users participating in the plurality of transactions (Figs. 12-23); and

requesting the first party to specify which of the one or more users is the second party (Figs. 12-23).

Regarding claims 23 and 24, Vaidyanathan discloses notifying the second party comprising:

sending to the second party an email message informing the second party of the request to cancel feedback pertaining to the transaction (Figs. 19-22, 39-40, 55; ¶ 115);

wherein the email message sent to the second party includes a link to a feedback cancellation form (Figs. 19-22, 39-40, 55; ¶ 115).

Regarding claim 27, Vaidyanathan discloses upon receiving a request for feedback left for any one of the first party and a second party to the transaction,

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displaying one or more feedback comments pertaining to the transaction with a feedback withdrawal comment (Figs. 12-23).

Regarding claim 28, Vaidyanathan fails to expressly disclose the step of preventing any of the first party and a second party to the transaction from entering feedback comments for the transaction upon canceling the feedback pertaining to the transaction. However, Vaidyanathan addresses the concept of removing negative feedback (discussed above). Some effort is required on behalf of users involved in a transaction in order to easily remove negative feedback (including payment by the person who requested mediation); therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to further modify Vaidyanathan to prevent any of the first party and a second party to the transaction from entering feedback comments for the transaction upon canceling the feedback pertaining to the transaction in order to lend some level of integrity and credibility to the mediation process, thereby encouraging users to use it in the future, when needed. In other words, a user would not desire to pay for mediation when its results can be further overridden by a subsequent negative feedback rating for a previously resolved conflict.

[Claims 30-34] Claims 30-34 recite limitations already addressed by the rejection of claims 1-4 and 9 above; therefore, the same rejection applies.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Susanna M. Diaz
Primary Examiner
Art Unit 3623

July 20, 2006